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4 April 2013

Chief District Judge Louis Guirola, Jr.
United States District Court
Southern District of Mississippi - Gulfport
Dan M. Russell, Jr., United States Courthouse
2012 15th Street, Suite 403
Gulfport, MS 39501

Re: *Trout Point Lodge et. al. v. Doug K. Handshoe* /Case 1:12-cv- 00090-LG-JMR [12/19/12]
Fabrication of Evidence Used in Proceeding Now Publicly Retracted by Parties

Dear Judge Guirola:

I am an attorney licensed to practice before the Federal Courts and the State Courts of Louisiana. In the interests of full disclosure, I currently have pending a defamation lawsuit in the United States District Court for the Eastern District of Louisiana. The defendants are Doug Handshoe and Slabbed contributor Anne-Marie Vandenweghe, whose attorney is Jack "Bobby" Truitt.

I am writing to report what I believe to be fraud imposed upon this Court in the above-referenced matter in your Court. Although Douglas Handshoe and his attorney Truitt have made earlier false statements about me personally to your Court, this matter is more serious as it involves the fabrication of a state court pleading (subsequently removed to federal court) created and filed solely for the purpose of influencing your opinion in this case. Concrete Busters of Louisiana, Inc. and Waste Remediation of Plaquemines, LLC v. Frederick R. Heebe, et al., No. 2:12cv2596-NJB-KWR (E.D. La.) was amended [Amend Complaint] at the request of these defendants and counsel for the sole purpose providing your Court with what appears to be more allegations of fact probative of the defamatory claims. The judicial machinery itself may have been tainted, and this situation implicates Federal Rule of Civil Procedure 60(d)(3).

"Concrete Busters" appears to have had some influence on your opinion as language from the Amended Complaint pleading and reference to it appears in your judgment and certain of the conclusions in your order & reasons appear to have been arrived at from (false) facts gleaned there. Please note that the attorneys who filed the amended complaint have now admitted that they did no independent research and only came into possession of those facts having been given them by slabbed.org.. As Concrete Busters attorneys now admit that they had no personal contact with Handshoe, the fabricated facts had to be provided by their attorney Bobby Truitt with whom they did have contact].

Doug Handshoe has repeatedly admitted that he tracks very precisely the IP addresses and attendant identities of those perusing Slabbed. As your Order & Reasons make clear that the district court looked at Slabbed after September 1, 2012, I believe it is a reasonable inference that Handshoe may have known the Court was looking at his blog.

Now the persons and attorneys who prepared and filed the false pleading in the Louisiana courts have retracted those pleadings and have also stated that all information from those pleadings came from Slabbed.org [See Exhibit A - Letter Retracting All Allegations in Amended Complaint].

As those attorneys only had contact with attorney Bobby Truitt, he appears to be the person behind this fabrication of the Concrete Busters' Amended Complaint for use in your Court. Mr. Truitt's name came up with no prompting from me in my conversations with those attorneys. (In addition, remarkably, the Concrete Buster's suit re-alleges dismissed claims filed by Truitt in Anne-Marie Vandenweghe's federal district lawsuit against Jefferson Parish).

I have attached that retraction which contains very particularly stated facts and admissions. Since Slabbed had put online a copy of this Amended Complaint before or simultaneous to its being filed in Civil District Court for the Parish of Orleans, the purpose of its being filed has become clear.

Even Concrete Busters' attorney cannot contest the fact that the Amended Complaint's allegations about Trout Point Lodge and Cerro Coyote have nothing whatsoever to do with their claims about losing bid for a Jefferson Parish landfill contract.

I believe the evidence, combined with the retraction, leads to the inference that Attorney Jack "Bobby" Truitt and Douglas Handshoe conspired with certain attorneys representing Concrete Busters and Waste Remediation of Plaquemines to file an Amended Complaint to their lawsuit against River Birch, Freddie Heebe, & others, for the purpose of naming companies owned by Vaughn Perret and Charles Leary including Trout Point and Cerro Coyote, and also attacking as fraudulent the SPEECH Act proceeding in your Court. Handshoe also published, at about the same time, the false allegation that I was Aaron Broussard's law partner, a false fact that also appears in Your Honor's Order & Reasons.

The point was to convince Your Honor that they and I [who also have an interest in these companies] were involved in organized crime and had committed a variety of criminal acts, or at the very least that there might be some truth to those allegations. In an even more strange occurrence, the docket of the EDLA was amended to falsely list Aaron Broussard, as well as Trout Point Lodge and Cerro Coyote as defendant parties to that litigation, which was never the case. The docket has, subsequent to your judgment, been corrected.

Contrary to false allegations, I have been a sole practitioner since 2002. I have never been a law partner with Aaron Broussard or lawyer in the same firm. Nor have Aaron Broussard and I ever shared a law office. The Louisiana Bar Association records and those of the Louisiana Secretary of State's records prove these facts, as you have already seen from my affidavit submitted with relation

to Handshoe's appeal bond motion. I have also never been involved in criminal activity or ever accused of such. Well, never been accused of such except by slabbed and its associates.

As a result of my private investigation and presentation of its conclusions to the attorneys for Concrete Busters and having meet with them on several occasions, they have retracted every fact and allegation in the Amended Complaint. Their letter of retraction presented to me further confirms that they had not conducted any investigation of the facts but had obtained everything used in the Amended Complaint from slabbed.org. and had no contact with anyone at slabbed other than slabbed's Attorney Bobby Truitt.

At a minimum, to the extent that there was a complex scheme to influence the Court, I believe this bizarre turn of events requires an investigation or Your Honor's consideration of some action under Rule 60—such that the Judgment be Amended because of this fraud.

While I knew that the crimes alleged against Trout Point, Leary, Perret, and me were false and made in the Amended Complaint for the purpose of influencing this litigation, I waited until the retraction was made before presenting this to Your Honor. I have conducted an extensive investigation of Handshoe and slabbed over the last two years not only for the purpose of, but certainly in compliance with the requirements of FRCP Rule 11.

Respectfully submitted,

DANIEL ABEL

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[LSB No. 8348]



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March 29, 2013

File No. 3094

Daniel G. Abel
2421 Clearview Parkway
Legal Department - Suite 106
Metairie, LA 70001

RE: *Concrete Busters, et al. v. Heebe, et al.*
USDC Eastern District 12-cv-2596

Dear Mr. Abel:

In October of 2012, an Amended Petition was filed in the matter entitled *Concrete Busters of Louisiana, Inc. and Waste Remediation of Plaquemines, LLC vs. Frederick R. Heebe, Albert J. Ward, Jr., River Birch Incorporated and HWY 90, LLC* and numbered 11-2129 on the docket of the Civil District Court for the Parish of Orleans and later numbered 12-cv-2596 on the docket of the United States District Court for the Eastern District of Louisiana. Certain allegations were made relating to Trout Point Lodge, Ltd. and Cerro Coyote, S.A. based on information obtained from the blog Slabbed.com. The Amended Petition was not intended to be interpreted to imply that Trout Point Lodge, Ltd. or Cerro Coyote, S.A. were shell companies, or that Trout Point Lodge, Ltd., Cerro Coyote, S.A., or their principals were involved in criminal activity or racketeering, or that their principals intended to conceal criminal acts. Any implication that Trout Point Lodge, Ltd. or Cerro Coyote, S.A. were shell companies, or that Trout Point Lodge, Ltd., Cerro Coyote, S.A., or their principals were involved in criminal activity or racketeering, or that their principals intended to conceal criminal acts, is and was erroneous.

None of the allegations made in the Amended Petition filed in the matter entitled *Concrete Busters of Louisiana, Inc. and Waste Remediation of Plaquemines, LLC vs. Frederick R. Heebe, Albert J. Ward, Jr., River Birch Incorporated and HWY 90, LLC* stated, implied, or were intended to imply, that any of the contentions made by Trout Point Lodge, Ltd., Charles Leary, and Vaughn Perret in the matter entitled *Trout Point Lodge Limited, A Nova Scotia Limited Company, Vaughn Perret, and Charles Leary v. Doug K. Handshoe* and numbered 12-cv-90 on the docket of the United States District Court for the Southern District of Mississippi were frivolous or without basis. It is also acknowledged that the United States District Court for the Southern District of Mississippi has stated that said allegations were not frivolous or without basis.

Additionally, Trout Point Lodge, Ltd., Cerro Coyote, S.A., Charles Leary and Vaughn Perret were never parties or intended to be parties to the matter entitled *Concrete Busters of Louisiana, Inc. and Waste Remediation of Plaquemines, LLC vs. Frederick R. Heebe, Albert J. Ward, Jr., River*

Exhibit A
Page 1 of 2

Jackson, Mississippi Office:

774 Avery Boulevard North • Ridgeland, Mississippi 39157 • Telephone: (601) 899-8726 • Facsimile: (601) 899-8727

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Birch Incorporated and HWY 90, LLC, and any listing of them as parties on the docket of the United States District Court for the Eastern District of Louisiana was erroneous.

Also, it is acknowledged that the lawsuits against the Times-Picayune and Louisiana Media, referenced in the *Amended Petition*, were amicably settled, and retractions were made by the Times-Picayune and Louisiana Media.

It is regrettable that the allegations of the *Amended Petition* were apparently misinterpreted or mischaracterized by others, including the blog Slabbed.com.

Any references to Trout Point Lodge, Ltd., Cerro Coyote, S.A., Charles Leary and Vaughn Perret in the *Amended Petition* filed in the matter entitled *Concrete Busters of Louisiana, Inc. and Waste Remediation of Plaquemines, LLC vs. Frederick R. Heebe, Albert J. Ward, Jr., River Birch Incorporated and HWY 90, LLC* shall be dismissed.

Sincerely,

Stephen M. Gelé

Davis, Leigh

From: cmechelpdesk@mssd.uscourts.gov
Sent: Monday, April 08, 2013 3:28 PM
To: Courtmail@mssd.uscourts.gov
Subject: Activity in Case 1:12-cv-00090-LG-JMR Trout Point Lodge, Limited et al v. Handshoe Letter

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U.S. District Court

Southern District of Mississippi

Notice of Electronic Filing

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Case Number: 1:12-cv-00090-LG-JMR

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WARNING: CASE CLOSED on 12/19/2012

Document Number: 48

Docket Text:

Letter from Daniel G. Abel to the Court (Guirola, Louis)

1:12-cv-00090-LG-JMR Notice has been electronically mailed to:

G. Gerald Cruthird ggeraldc@bellsouth.net, sandra07@bellsouth.net

Henry F. Laird , Jr hlaird@joneswalker.com, jguice@joneswalker.com, ldavis@joneswalker.com

Jack E. Truitt - PHV mail@truittlaw.com

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